

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DEBORAH ROBINSON,

Plaintiff

v.

BRONSON & MIGLIACCIO, LLP, et al.

Defendants.

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Case No.: RWT 10cv1752

MEMORANDUM OPINION AND ORDER

Plaintiff Deborah Robinson filed her Complaint on June 29, 2010. ECF No. 1. Defendants Bronson & Migliaccio, LLP filed a Motion to Dismiss Complaint on October 12, 2010. ECF No. 3. Plaintiff then filed a First Amended Complaint on October 26, 2010. ECF No. 7. Defendants Bronson & Migliaccio, LLP and CACH LLC each filed an Answer to the First Amended Complaint on October 28, 2010. ECF Nos. 9 & 10.

A party may amend its pleading once as a matter of course within 21 days after service of a responsive pleading if the pleading is one to which a responsive pleading is required, or within 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. Fed. R. Civ. P. 15(a)(1)(B).

Because Plaintiff filed her First Amended Complaint within 21 days of the filing of Defendant Bronson & Migliaccio, LLP and CACH LLC's Answers and Bronson & Migliaccio, LLP's Motion to Dismiss under Rule 12(b), Plaintiff was entitled to amend her complaint as a matter of course. The original Complaint is now superseded by the First Amended Complaint, and Defendant Bronson & Migliaccio, LLP's Motion to Dismiss [ECF No. 3] is moot.

Therefore, it is this 1st day of November, 2010, by the United States District Court for the District of Maryland, hereby

ORDERED that Defendant Bronson & Migliaccio, LLP's Motion to Dismiss [ECF No. 3] is **DENIED AS MOOT** in light of Plaintiff's First Amended Complaint [ECF No. 7] without prejudice to the right of the Defendant to file another Motion to Dismiss addressed to Plaintiff's First Amended Complaint.

_____/s/_____
ROGER W. TITUS
UNITED STATES DISTRICT JUDGE